

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OREGON FIREARMS FEDERATION,)
INC., et al.,)
)
)
 Plaintiffs,)
)
)
) Case No.
v.) 2:22-cv-01815-IM
) 3:22-cv-01859-IM
KATE BROWN, et al.,) 3:22-cv-01862-IM
) 3:22-cv-01869-IM
 Defendants.)
)
)
)
)
(Continued))

* VIDEOCONFERENCE *
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF EXPERT
GARY D. KLECK

Witness located in:

Tallahassee, Florida

* All participants appeared via videoconference *

DATE TAKEN: January 25, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CSR #2798
Oregon #22-0001

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

Page 2

1 (Continued))
2)
3 MARK FITZ, et al.,)
4 Plaintiffs,)
5 v.)
6)
7 ELLEN F. ROSENBLUM, et al.,)
8 Defendants.)
9)
10 KATERINA B. EYRE, et al.,)
11 Plaintiffs,)
12 v.)
13)
14 ELLEN F. ROSENBLUM, et al.,)
15 Defendants.)

12 DANIEL AZZOPARDI, et al.,)
13 Plaintiffs,)
14 v.)
15 ELLEN F. ROSENBLUM, et al.,)
16 Defendants.)

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

Page 3

1 APPEARANCES

2 For Oregon Firearms Federation:

3 LEONARD WILLIAMSON
4 VAN NESS WILLIAMSON
5 960 Liberty Street SE, Suite 100
6 Salem, OR 97302
(503) 365-8800
7 L.williamson@vwllp.com

8 For the non-intervenor defendants, governor, the
9 Attorney General, and the superintendent of the Oregon
10 state police:

11 BRIAN MARSHALL
12 OREGON DEPARTMENT OF JUSTICE
13 SPECIAL LITIGATION UNIT
14 100 SW Market Street
15 Portland, OR 97201
(971) 673-1800
16 Brian.S.Marshall@doj.state.or.us

17 For the Proposed Intervenor-Defendant Oregon Alliance
18 For Gun Safety:

19 ZACHARY J. PEKELIS
20 W. SCOTT FERRON
21 PACIFICA LAW GROUP
22 1191 Second Avenue, Suite 2000
23 Seattle, WA 98101
(206) 245-1700
24 Zach.Pekelis@PacificaLawGroup.com

25 Videographer:

26 BROOK YOUNG
27 Buell Realtime Reporting
28 1325 Fourth Avenue, Suite 1840
29 Seattle, WA 98101
(206) 287-9066
30 Brook@BuellRealtime.com

31 * * * * *

32 BUELL REALTIME REPORTING, LLC
33 206.287.9066 | 800.846.6989

Page 76

1 the criticisms, which is not a scholarly practice. You
2 know, scholars will respond to criticism with some kind
3 of a rebuttal, but those who are big fans of the notion
4 that defensive gun use is rare simply don't respond.

5 Q. Are you familiar with William English of
6 Georgetown University?

7 A. Yeah. Yeah.

8 Q. Are you familiar with the 2021 National
9 Firearms Survey he's posted on SSRN?

10 A. Yeah.

11 Q. What do you think of that survey?

12 A. I don't think you can rely on it.

13 Q. Why not?

14 A. He's vague about exactly how he developed his
15 sample. And there's nothing in his report to
16 contradict the assumption that what he had was a
17 self-selected sample, where people were in effect --
18 who arrived at, let's say, a website were invited to
19 participate. And that's not a valid sample technique
20 to generate a sample that's representative of the
21 larger US population.

22 Q. Why does that matter?

23 A. Well, because you can't then generalize the
24 results from your sample to the population as a whole.
25 You only know, well, this was what was true in my

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

Page 77

1 sample, which was to some extent self-selected, but you
2 can't know that it applies in any way, shape, or form,
3 to the US population as a whole.

4 Q. Do you have other concerns with - with the
5 2021 National Firearms Survey that Dr. English posted
6 on SSRN?

7 A. No. That's sufficient.

8 Q. Without -- without that information that is
9 missing, you would not rely on that survey for any
10 purpose?

11 A. That is correct. I would not rely.

12 Q. Your thesis is that -- about the NRA defensive
13 use data, that NRA staff intentionally omit stories of
14 defensive gun use that have greater than ten rounds
15 fired?

16 A. I think they omit any kind of an incident that
17 would make defensive gun use look less reputable, less
18 responsible. If there's an excessive number of rounds
19 fired, they would be very reluctant to include that
20 among the incidents they publicize by putting it into
21 the armed citizen column.

22 Q. Why do you think that firing more than ten
23 rounds is excessive?

24 A. Well, it's unusual, for starters. And many
25 people would interpret it as indiscriminate fire. They

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

Page 151

1 C E R T I F I C A T E
2

3 STATE OF WASHINGTON
4 COUNTY OF PIERCE
5

6 I, Tia Reidt, a Certified Court Reporter in and
7 for the State of Washington, do hereby certify that the
8 foregoing transcript of the deposition of GARY D. KLECK,
9 having been duly sworn, on January 25, 2023, is true and
10 accurate to the best of my knowledge, skill and ability.

11 Reading and signing was requested pursuant to
12 FRCP Rule 30(e).

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and seal this 1st day of February, 2023.

15
16
17
18 
19 /S/ Tia B. Reidt
20 Tia B. Reidt, RPR, CSR #22-0001
NOTARY PUBLIC, State of
Washington.
21 My commission expires
5/15/2026.
22
23
24
25

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989